

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-10944-RGS

THOMAS GLEASON)
vs.)
SALLY A. GLEASON, ET AL.)
_____)

MOTION TO DEFAULT

NOW COMES Thomas Gleason, and requests this Honorable Court to grant a default against the Defendant, Fidelity Investments.

In furtherance thereof, the Plaintiff states as follows:

1. The Petition for Declaratory Judgment was filed by the Plaintiff on or about January 5, 2004.
2. The Petition was amended on March 10, 2005.
3. A Summons and a copy of the Complaint was served upon the Defendant, on April 6, 2005, while the matter was still in the Essex Probate Court.
4. No answer has been filed by the Defendant, Fidelity Investments, either in the Essex Probate Court or in the United States District Court since removal.

WHEREFORE, Thomas Gleason requests this Honorable Court:

1. To default the Defendant, Fidelity Investments and grant the relief requested in the Declaratory Judgment; and
2. For such other and further relief as this Court deems just and fair.

Respectfully submitted,
THOMAS GLEASON
By his attorney,

DATED:

Sept 21, 2005



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CERTIFICATE OF SERVICE

I, Stuart M. Holber, Esq., do hereby certify that a copy of the foregoing document has been sent via first class mail postage prepaid, to the following list:

Dated:

September 21, 2005



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